

Docket Number
70404.106/ha

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Takeshi YAMAMOTO et al.	Art Unit: 2612
Application No.: 10/598,098	
Confirmation No.: 1025	Examiner: M. Rushing
Filed: August 17, 2006	
Title: ONBOARD DISPLAY DEVICE, ONBOARD DISPLAY SYSTEM AND VEHICLE	

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellant is filing this Reply Brief in response to the Examiner's Answer, dated June 23, 2010, in connection with the above-identified application.

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STATUS OF CLAIMS:

Claims 1-33 have been canceled.

Claims 34-46 are pending in this Application.

Claims 34-46 have been at least twice rejected over prior art and are the subject of this appeal.

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GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL:

The Examiner's rejections of claims 34-36 and 40-46 under 35 U.S.C. § 103(a) as being unpatentable over Nakamura et al. (JP 06-195056) in view of McCarthy et al. (U.S. 6,477,464) and claims 37-39 under 35 U.S.C. § 103(a) as being unpatentable over Nakamura et al. in view of McCarthy et al. and further in view of Breed (U.S. 7,126,583).

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ARGUMENT:

In the Examiner's Answer of June 23, 2010, the Examiner has maintained the rejections of claims 34-36 and 40-46 under 35 U.S.C. § 103(a) as being unpatentable over Nakamura et al. in view of McCarthy et al. and claims 37-39 under 35 U.S.C. § 103(a) as being unpatentable over Nakamura et al. in view of McCarthy et al. and further in view of Breed.

In Section No. 10, "Response to Argument," on pages 10-12 of the Examiner's Answer, the Examiner responded to the arguments made by the Appellant in the Appeal Brief filed on June 1, 2010.

As a preliminary matter, Appellant notes that in the first full paragraph of Section No. 10 on page 10 of the Examiner's Answer, the Examiner stated, "Appellant's arguments filed 11/3/09 have been fully considered but they are not persuasive for the following reasons." Appellant believes that the Examiner instead intended to refer to the Appellant's arguments filed "06/01/10" instead of the Appellant's arguments filed "11/3/09" because the Examiner's allegations and arguments that follow this statement in the Examiner's Answer appear to be directed toward the arguments contained in the Appeal Brief filed on June 1, 2010.

Appellant will now respond to specific allegations and arguments contained in Section No. 10, "Response to Argument," of the Examiner's Answer.

In element "a" under the "Responses" heading of Section No. 10 on page 11 of the Examiner's Answer, the Examiner argued that Nakamura et al. teaches the feature of "the vehicle condition images are displayed in a different manner" as recited in Appellant's claim 34. More specifically, the Examiner alleged:

While [Nakamura et al.] doesn't expressly teach changing a speedometer reading from circular-shape to a column-shape, both are displayed in Fig 4h. The description in the specification allows for changes in the display that are suitable to a driver ([0040]). It would have been obvious to one of ordinary skill in the art at the time the invention was made given the controlling means for the image ([0021]) and the motivation of improving visibility and safety (Abstract, [0035]) to have the capability to alter the image to a preferable display.

However, contrary to the Examiner's allegations, nowhere in Nakamura et al. is there

any teaching or suggestion of a speedometer in the form of a circular shape and a speedometer in the form of a column shape either in Fig. 4h of Nakamura et al. or anywhere else. Instead, Fig. 4h of Nakamura et al. teaches a semicircular speedometer being provided in area A₁ and battery, temperature, and oil levels being displayed in a bar graph format in area A₂. The information shown in bar graph format in area A₂ of Nakamura et al. has nothing whatsoever do with speed of a vehicle or information that could be considered the slightest bit relevant to what is shown by a speedometer. Further, no other figure or portion of Nakamura et al. shows or describes displaying a speedometer in any format other than the semicircular format shown in Fig. 4h. Nakamura et al. merely teaches that two different kinds of information may be shown in two different display formats. Further, nowhere in Nakamura et al. is there any teaching or suggestion of switching the manner in which a single kind of information is displayed to another manner. In fact, all of the figures of Nakamura et al. clearly show that specific types of information (i.e., map displays, television displays, audio equalization displays, textual displays, side and rear camera displays, etc.) are always shown in the exact same manner, no matter where on the screen the specific types of information are displayed.

The Examiner attempted to support this allegation that Nakamura et al. teaches changing the manner in which the specific types of information of Nakamura et al. is displayed by alleging that paragraph [0040] of Nakamura et al. teaches changing the display of Nakamura et al. to be "suitable" for a driver. While it is true that paragraph [0040] of Nakamura et al. teaches that it is possible for a user to create a display that is suitable for the driver, paragraph [0040] of Nakamura et al. also says that this suitable display is provided by splitting a display screen into different display areas that each display a separate image corresponding to specific types of information that the driver wants to see, NOT that the same information should be displayed in different formats or manners. That is, all of Nakamura et al., including paragraph [0040] of Nakamura et al., merely teaches that a driver can change the number of display areas and the specific types of information displayed on these display areas to provide a display

screen that is suitable for the driver, but says nothing about displaying vehicle conditions in a different manner.

Nowhere in Nakamura et al. is there any teaching or suggestion of changing the manners in which the specific types of information are displayed. Instead, Nakamura et al. only teaches that a suitable display can be provided by either displaying specific types of information in specific parts of a screen, or by not displaying the specific types of information at all. Nakamura et al. does not teach or suggest displaying a specific type of information in a specific position of a display and then changing the manner in which this specific type information provided in a specific position of a display is shown.

Thus, contrary to the Examiner's allegations, Nakamura et al. does not teach or suggest the feature of "under control of said display control section, when the secondary image is displayed at an increased scale, the secondary image appears partly on a part of a display area for the vehicle condition images, and **the vehicle condition images are displayed in a different manner**" as recited in Appellant's claim 34.

Next, in element "b" under the "Responses" heading of Section No. 10 on page 11 of the Examiner's Answer, the Examiner argued that Nakamura et al. teaches a display that will not impair a driver's visibility. More specifically, the Examiner alleged:

In paragraphs [0035] and [0040], Nakamura [et al.] describes setting the display to a user's choice and enhancing driver safety. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

However, in making this argument the Examiner has improperly ignored the feature of the display control section recited in Appellant's claim 34 by broadly alleging that because Nakamura et al. teaches a display screen alone, then Nakamura et al. necessarily also includes structure "capable of performing the intended use" of the display control section of Appellant's claim 34. However, this is clearly improper. Just because Nakamura et al. may teach a display screen, this display screen is not by itself capable of performing the additional features of the

display control section. For example, just because a computer screen is able to display data images output by a computer running specific software that is attached to the computer screen, a computer screen alone is not "capable of" displaying the same data images without the computer running the specific software being connected thereto.

Thus, contrary to the Examiner's allegations, Nakamura et al. does not teach or suggest the feature of "**under control of said display control section**, when the secondary image is displayed at an increased scale, **the secondary image appears partly on a part of a display area for the vehicle condition images, and the vehicle condition images are displayed in a different manner**" as recited in Appellant's claim 34.

Finally, in elements "c" and "d" under the "Responses" heading of Section No. 10 on pages 11 and 12 of the Examiner's Answer, the Examiner argued that Nakamura et al. teaches changing the manner in which information is displayed from a first manner to a different manner. More specifically, the Examiner alleged:

Nakamura [0027] teaches changing the manner in which information is displayed ('the user can specify the number of split areas, positions of areas, and images to display in these areas, switch the areas between left and right, and so forth'). ... The examiner is responsible to read the claims in view of the specification, but must also give the claims their broadest reasonable interpretation. 'Manner' is defined as a way of doing, being done, or happening; or as a mode of action, occurrence. Nakamura[et al.]'s resizing a graphic reads on a different manner.

Appellant respectfully disagrees with the Examiner. Appellant's claim 34 recites the features of "when the secondary image is displayed at an increased scale, the secondary image appears partly on a part of a display area for the vehicle condition images" and "the vehicle condition images are displayed in a different manner." That is, Appellant's claim 34 recites the features of resizing display areas and changing the manner in which information in a display area is shown. The Examiner is improperly interpreting Nakamura et al.'s resizing of display areas as reading on both of these distinct and independent claim features. The techniques discussed in paragraph [0027] of Nakamura et al. apply to the entire display screen and are

completely different from changing the display manner of a specific image as recited in Applicant's claim 34.

Additionally, Appellant's claim 34 recites the feature of "when the secondary image is displayed at an increased scale ... the vehicle condition images are displayed in a different manner." This claim recitation requires that changing of the manner in which the vehicle condition images are displayed is triggered by a changing of the scale of the secondary image. Nakamura et al. neither teaches nor suggests a display control section that changes a manner in which a first specific type of information is displayed in response to displaying one of two different simultaneously displayed images at an increased scale that overlaps a position in which the first specific type of information is displayed. More specifically, Nakamura et al. neither teaches or suggests a display control system in which a display manner of a first display area is changed from a first display manner (e.g., a circular meter) to a second display manner (e.g., a columnar meter or numerical representation) when a second display area that is used to display vehicle condition information is reduced.

Thus, contrary to the Examiner's allegations, Nakamura et al. does not teach or suggest the feature of "under control of said display control section, **when the secondary image is displayed at an increased scale, the secondary image appears partly on a part of a display area for the vehicle condition images, and the vehicle condition images are displayed in a different manner**" as recited in Appellant's claim 34.

McCarthy et al. merely teaches a scrolling text display 18, as shown in Fig. 1 of McCarthy et al. McCarthy et al. clearly does not teach or suggest the feature of "under control of said display control section, when the secondary image is displayed at an increased scale, the secondary image appears partly on a part of a display area for the vehicle condition images, and the vehicle condition images are displayed in a different manner" as recited in Applicant's claim 34.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 34 under 35 U.S.C. § 103(a) as being unpatentable over Nakamura et al. in

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view of McCarthy et al.

The Examiner relied upon Breed to allegedly cure the deficiencies of Nakamura et al. and McCarthy et al. However, Breed clearly fails to teach or suggest the feature of "under control of said display control section, when the secondary image is displayed at an increased scale, the secondary image appears partly on a part of a display area for the vehicle condition images, and the vehicle condition images are displayed in a different manner" as recited in Applicant's claim 34. Thus, Applicant respectfully submits that Breed fails to cure the deficiencies of Nakamura et al. and McCarthy et al. described above.

Accordingly, Applicant respectfully submits Nakamura et al., McCarthy et al., and Breed, applied alone or in combination, fail to teach or suggest the unique combination and arrangement of elements recited in Applicant's claim 34.

Accordingly, Applicant respectfully submits that claim 34 is allowable. Claims 35-46 depend upon claim 34, and are therefore allowable for at least the reasons that claim 34 is allowable.

Appellant further submits that the rejections of claims 34-36 and 40-46 under 35 U.S.C. § 103(a) as being unpatentable over Nakamura et al. in view of McCarthy et al. and claims 37-39 under 35 U.S.C. § 103(a) as being unpatentable over Nakamura et al. in view of McCarthy et al. and further in view of Breed should be reversed, and that claims 34-46 are allowable, at least for the reasons discussed above.

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In view of the foregoing arguments and the arguments presented in the Appeal Brief filed on June 1, 2010, Appellant respectfully submits that the rejections of rejections of claims 34-36 and 40-46 under 35 U.S.C. § 103(a) as being unpatentable over Nakamura et al. in view of McCarthy et al. and claims 37-39 under 35 U.S.C. § 103(a) as being unpatentable over Nakamura et al. in view of McCarthy et al. and further in view of Breed are improper and should be reversed and that claims 34-46 are allowable.

Respectfully submitted,

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